

01.07.2026

Pr. Sh. Amandeep Singh, Sh. Chirag Madan and Sh. Pawan Kant Singh, Ld. Counsels for plaintiff along with plaintiff.
Sh. Shobhik Tanwar, Ld. Counsel for defendant through VC.

Arguments on application under order VII Rule 11 CPC heard. Record perused.

By way of instant application, the defendants are seeking rejection of plaint on the ground that the plaintiff has valued the suit for Rs.19,00,000/- for the purpose of jurisdiction, however, has affixed a court fees of Rs.600/- only. Reliance has been placed on the judgement titled as Rajender Singh Bhatia Vs. Manju Bhatia, 2022 SCC Online DEL 2497, wherein, the Hon'ble Delhi High Court observed as under:-

“9. It is a settled proposition of law as has also been held in the judgments referred to by the plaintiff that licensee or an unauthorized occupant can be asked to vacate the property by filing a suit for Mandatory injunction. The moot question, however, is not in regard to maintainability of a suit for Mandatory Injunction for removal of the defendant who is a licensee/ unauthorized occupant from the suit premises. The issue is of valuation and payment of court fee.

10. Section 7 of the Court Fees Act, 1870 provides for computation of fees payable in suits. Under Section 7(iv) (d) to obtain an injunction, the court fee is payable according to the amount at which the relief is sought to be valued in the plaint. It further provides that the plaintiff shall state the amount at which he values the relief sought.

11. Section 8 of Suit Valuation Act, 1887 puts an obligation on the plaintiff to value the suit for the purpose of court fee and jurisdiction identically except for the Exceptions provided in Section 7 paragraph 5, 6, 9, 10 Clause (d) of the Court Fee Act, 1870.

12. It therefore, follows that though it is in the discretion of the plaintiff to value his suit as per his bona fide belief and discretion, but once he has valued his suit in terms of Section 8 of the Suit Valuation Act, the court fee shall become payable on the same amount in terms of Section 7 of the Court Fees Act. The plaintiff cannot adopt a dual policy of valuing his suit at a certain value for the purpose of jurisdiction and for the purpose of payment of court fees. Once the suit

has been valued at a certain value, the advolerum court fees has to be paid mandatorily on the same valuation.”

The plaintiff has filed the instant suit for declaration and permanent injunction. Under the Court Fees Act, the minimum valuation of a suit for declaration and injunction has been assessed as Rs.200/- and Rs.130/- respectively, upon which a court fees of Rs.20/- and Rs.13/- has to be affixed. Had the plaintiff chosen to value the instant suit at Rs.200/- for each relief of declaration and at Rs.130/- for each relief of permanent injunction, the forum for determination of instant suit would have changed. In the instant case, as the suit is valued for the purpose of jurisdiction at Rs.19,00,000/-, the plaintiff is in error in paying fixed Court fees of Rs.600/-. Since the suit is valued for the purpose of jurisdiction at Rs.19 lakhs, in terms of Section 8 of Suit Valuation Act, the plaintiff is required to pay additional court fees beyond Rs.600/-. The deficiency of court fees be made good within four weeks from today. The application under Order VII Rule 11 CPC is disposed off with aforesaid directions.

Re-notify the matter for arguments on application under Section 5 of the Limitation as well as on the application under Order VIII Rule 10 CPC on 11.07.2026 at 12:00 Noon.

(SHUCHI LALER)
District Judge-02 (East),
Karkardooma Courts/01.07.2026